

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RSUI INDEMNITY COMPANY, INC.,

Plaintiff,

V.

VISION ONE, LLC, *et al.*,

Defendants.

Case No. C08-1386RSL

ORDER DENYING MOTION FOR CLARIFICATION

This matter comes before the Court on “Plaintiff’s Motion for Clarification Re Order Granting Partial Summary Judgment Re Coverage” (Dkt. # 89). Although plaintiff’s motion is entitled a “motion for clarification,” the Court finds that plaintiff’s motion is actually a motion for reconsideration. Motions for reconsideration are disfavored in this district and will be granted only upon a “showing of manifest error in the prior ruling” or “new facts or legal authority which could not have been brought to [the Court’s] attention earlier with reasonable diligence.” CR 7(h)(1). Plaintiff has not met this burden.

RSUI argues that Berg's conduct on the job site, its shoring designs, and its direction to D&D Construction, Inc. regarding the shoring designs triggers the policy's residential work exclusion. Motion at 2-3. Similarly, RSUI argues that the placement of the shoring equipment both under the walkway and in a purely residential garage indicates that the area of collapse was

1 both residential and commercial, and therefore, the exception to residential work exclusion does
2 not apply. Id. at 4-5.

3 Finally, RSUI contends that the Court relied on defendants' experts' declarations to
4 determine the meaning of critical policy terms, but "did not cite or discuss the contrary evidence,
5 including Mr. Windt's opinion..." Id. at 5. As the Court noted in its Order on Cross Motions
6 Regarding Coverage, "RSUI relied on an expert regarding the alleged bad faith of its denial, but
7 did not rely on an expert opinion in its motion regarding coverage." Order (Dkt. #81) at 6 n.1.

8 These arguments are not based on "new facts or legal authority," and plaintiff has not
9 shown manifest error. The motion for reconsideration is, therefore, DENIED.

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11 DATED this 30th day of October, 2012.

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15 Robert S. Lasnik
16 United States District Judge
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